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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/099,662	03/14/2002	Douglas Trumbull	5766-05	2990
7590 11/14/2003				
McCormick, Paulding & Huber LLP City Place II 185 Asylum Street Hartford, CT 06103-3402			EXAMINER FULLER, RODNEY EVAN	
			ART UNIT 2851	PAPER NUMBER

DATE MAILED: 11/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

### Office Action Summary

**Application No.**

10/099,662

**Applicant(s)**

TRUMBULL, DOUGLAS

**Examiner**

Rodney E Fuller

**Art Unit**

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on October 9, 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☐ Claim(s) 12-17 and 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-17 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 09 October 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Remarks*

1. In response to applicant's Amendment, dated October 9, 2003, the examiner acknowledges the cancellation of claims 1-11, 18-20 and the addition of claim 21. Claims 12-17 and 21 are pending.
2. The examiner acknowledges the corrections of the objections related to the Drawings set forth in the Office Action mailed May 8, 2003.
3. Regarding the 35 U.S.C. 102(b) rejection of claims 12, 13 and 15-17 as being anticipated by Romanoff, et al. (US 5,644,377), the applicant makes the argument that Romanoff "does not disclose claim 12's recitation of 'a jib arm *pivotaly mounted* to a distal end of the boom arm'(emphasis added)." The examiner has considered the applicant's arguments and withdraws the rejection.

### *Drawings*

4. New corrected drawings are required in this application because the current drawings are informal. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.
5. Color photographs and color drawings are acceptable only for examination purposes unless a petition filed under 37 CFR 1.84(a)(2) is granted permitting their use as acceptable drawings. In the event that applicant wishes to use color photographs and color drawings as

acceptable drawings, a petition must be filed for acceptance of the color photographs or color drawings as acceptable drawings. Any such petition must be accompanied by the appropriate fee set forth in 37 CFR 1.17(h), three sets of color drawings or color photographs, as appropriate, and an amendment to the first paragraph of the brief description of the drawings section of the specification which states:

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the U.S. Patent and Trademark Office upon request and payment of the necessary fee.

Color photographs will be accepted if the conditions for accepting color drawings have been satisfied. However, the current set of drawings (photographs) are unacceptable. No structure can be determined from the quality of any of the current photographs.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 12-17 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tamir, et al. (US 6,122,013) in view of Reagan (US 5,033,705)

Tamir discloses a "recording apparatus" (Fig. BA1, ref.# 10) that records "live character and component images" and also discloses a "display presenting substantially real time generated initial composite images indicative of the live character and set component images and computer generated images." (see abstract, Fig. BA1, ref.#

FG&BG out) In other words, Tamir discloses all the structure set forth in the claims except for the structure associated with the “support system.” However, Reagan discloses the same support structure as set out in the claims. In other words, Reagan discloses “a base engaged with a movable dolly (See Figure 1, ref.# 40), a boom arm (Fig. 1, ref.# 24), pivotally mounted (Fig. 1, ref.# 26) to the body (Fig. 1, ref.# 20); a jib arm (Fig. 1, ref.# 10) pivotally mounted (Fig. 1, ref.# 8) to a distal end of the boom arm; a recording apparatus mounting flange (Fig. 1, ref.# 50) pivotally mounted (Fig. 1, ref.# 36) to a distal end of the of the jib arm (Fig. 1, ref.# 10); a counterweight (Fig. 1, ref.# 2, 32) system for counterbalancing the boom arm and jib arm; a recording apparatus (Fig. 1, camera) mounted to the recording apparatus mounting flange.” As for the limitation wherein the display is “disposed proximate to the recording apparatus,” it is noted that the majority motion picture cameras will inherently have a display associated proximate or attached to the camera. (Also, see Condrey, Fig. 1, ref.# 18, 48.) Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tamir by including the support system of Reagan (as noted above). The ordinary artisan would have been motivated to modify Tamir in the manner described above so that the camera can be freely repositioned closer to or farther from the photographed object (see Reagan, abstract).

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Chapman (US 4,899,097), Ho (US 5,531,412) and Condrey (US 5,853,153) each disclose "a base engaged with a movable dolly, a boom arm, pivotally mounted to the body; a jib arm pivotally mounted to a distal end of the boom arm; a recording apparatus mounting flange pivotally mounted to a distal end of the of the jib arm; a counterweight system for counterbalancing the boom arm and jib arm; a recording apparatus mounted to the recording apparatus mounting flange."

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney E Fuller whose telephone number is 703-306-5641. The examiner can normally be reached on 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams can be reached on 703-308-1436. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1782.

Rodney E Fuller  
Primary Examiner  
Art Unit 2851



November 5, 2003